(*Chapter I—Preliminary*)

MYSORE ACT No. XII OF 1940.

THE MYSORE PUBLIC SECURITY ACT, 1940.

(AS AMENDED BY ACT LVII OF 1949.)

(*Received the assent of His Highness the Maharaja on the second day of February* 1940.)

WHEREAS it is expedient to supplement the criminal law for the purpose of securing the public safety and interest; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and duration.

1. (1) This Act may be called the Mysore Public Security Act, 1940.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

Definition.

2. In this Act unless there is anything repugnant in the subject or context—

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (*a*) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(*b*) "unlawful association" means an association,—

(i) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(ii) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness the Maharaja, or who has not acquired domicile in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently ;

(4) "notified place" means a place which has been notified under section 14 ;

(5) (i) "public meeting" means a meeting which is open to the public or any class or portion of the public ;

(ii) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

Special Powers of Arrest, Detention and Search.

Power to arrest and detain suspected persons.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf :

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days :

Provided furher that no person shall be so detained in custody for a period exceeding two months.

[1][(2A) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained under such conditions, including conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, and temporary release, as the Government may, from time to time, by general or special order specify.

(2B) The period of temporary release of any person under the provisions of sub-section (2A) shall count towards the total period of detention of such person under sub-section (2).]

(3) Any order passed by an officer under sub-section (1) may be revised by the Government.

Power to control suspected persons.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,—

(*a*) shall not enter, reside or remain in any area specified in the order;

(*b*) shall reside or remain in any area specified in the order;

(*c*) shall remove himself from, and shall not return to, any area specified in the order;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

[1][(1A) The Government may, by order in writing and subject to such conditions as may be prescribed in such order, declare that any direction under sub-section (1) shall not apply to any person for such period as may be specified by it.]

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[1]. Inserted by Act LVII of 1940.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

5. (1) The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway or ferry.

(2) Whoever disobeys, or neglects to comply with, an order made under this section shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Power to secure reports of public meetings.

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of Sub-Inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

7. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause ;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant

issued, and to the disposal of any property seized, under this section.

Dissemination of contents of proscribed documents.

8. Whoever publishes, circulates, sells, or repeats in public any passage from, a newspaper, book or other document, copies whereof have been declared forfeited to the Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to give effect to orders if disobeyed.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition, may ake or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

Penalty for disobeying order under section 4.

10. Whoever disobeys or neglects to comply with any [1][order made, direction given or conditions prescribed in accordance with the provisions of sub-section (2A) of section 3 or section 4] shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER III.

UNLAWFUL ASSOCIATION.

Power to declare associations unlawful.

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

Penalties.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the

1. Substituted by Act LVII of 1949.

purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Continuance of association.

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Power to notify and take possession of places used for the purposes of an unlawful association.

14. (1) The Government may, by notification in the official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Government:

Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any article specified in the list is or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

Trespass upon notified places.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

The relinquishment of property.

17. Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

Power to forfeit funds of an unlawful association.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any moneys, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, declare such moneys, securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the moneys, securities or credits, and on the service of such copy, such person shall pay or deliver the moneys, securities or credits to the order of the Government:

Provided that, in the case of moneys or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such moneys

and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for moneys and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of, and dealings in, any moneys, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any moneys, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the moneys, securities, or credits forfeited to the order of the Government.

(*Chapter IV—Prevention of Seditious and certain other Public Meetings*)

(7) Where any person liable under this section to pay or deliver any moneys, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such moneys or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the "market value of any security" means the value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

Prevention of Seditious and certain other Public Meetings.

Power of Government to notify proclaimed area.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

Notice to be given of public meetings.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area—

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate at least three days previously; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal auhority or to any public meetiugs or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

21. The District Magistrate may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

22. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 21 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Penalty for delivery of speeches in public places.

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from the provisions of section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V.

Provisions against certain forms of Intimidation.

Molesting a person to prejudice of employment or business.

24. (1) Whoever,—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or

uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of Sub-Inspector.

Procedure in offences under the Chapter.

25. Notwithstanding anything contained in the Code, an offence punishable under section 24 shall be cognizable by the police and shall be non-bailable.

Power to Government to make certain offences cognizable and non-bailable.

26. (1) The Government may, by notification in the official Gazette, declare that any offence punishable under sections 186, 188, 190, 228, 298, 384, 385, 426, 427, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section

506 of the Indian Penal Code, as in force in Mysore, shall be non-bailable.

CHAPTER VI.

PROVISIONS AGAINST INSTIGATION TO THE ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES.

Power to declare notified areas and notified liabilities.

27. (1) The Government may, by notification in the official Gazette, declare that the whole or any part of the State shall be a notified area for the purposes of this Chapter.

(2) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue or any tax, rate, cess or other dues or amount payable to the Government or to any local authority, or rent of agricultural land or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

28. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months or with fine, or with both.

Explanation.—Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof shall not constitute an offence under this section.

Power to collect an arrear of a notified liability as an arrear of land revenue.

29. (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in

accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

30. No magistrate shall take cognizance of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police officer not below the rank of Sub-Inspector.

CHAPTER VII.

Provisions Relating to Foreigners.

Proof of being a foreigner.

31. If a question shall arise whether any person alleged to be a foreigner, is a foreigner or not, the onus of proving that such person is not a foreigner, shall lie upon such person.

Government may order foreigner to remove himself.

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended or detained pending order of removal.

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 32 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The Magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement

on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the Magistrate issuing such warrant, such Magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any Magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 32.

Penalty for refusing to move or returning after removal.

34. (1) If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore, in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

(2) Notwithstanding anything in the provisions of this Chapter, if a foreigner disobeys or neglects to comply with any order made or directions given in accordance with the provisions of this Chapter, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER VIII.

SUPPLEMENTAL.

Penalty for obstructing officers.

35. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code, as in force in Mysore.

Cognizance of offence.

36. No court inferior to that of a Magistrate of the First Class shall try any offence against this Act.

Jurisdiction barred.

37. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

Repeal and savings.

38. The Mysore Public Security Act (Emergency Act No. XXIV of 1939) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Public Security Act (Act No. XXIV of 1939) shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 25th day of September 1939.